

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRM(M) No. 261/2019

c/w

CRM(M) No.263/2019

Reserved on: 10.04.2026

Pronounced on:16.04.2026

Uploaded on:16.04.2026

Whether the operative part or
full judgment is pronounced

(CRM(M)No.261/2019)

Mela Ram and others

(CRM(M) No.263/2019)

Arti Devi

.....Petitioner(s)

Through: Mr. A.K Sharma, Adv., in CRM(M) No.261/2019.

Mr. Ajay Kumar, Adv., in CRM(M) No.263/2019.

Vs

State of J & K and Another

State of J & K and Another

..... Respondents

Through: Mr. Sumeet Bhatia, GA for R-1.

Mr. Ashish Sharma, Adv., for R-2.

CORAM: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE

(JUDGMENT)

1. Petitioners, have invoked the inherent jurisdiction of this Court under Section 561-A Cr.P.C, seeking quashment of the complaint dated 15 November 2017, FIR No.49/2017 dated 15 November 2017, chargesheet dated 02 February 2018 and order dated 14 August 2018, whereby charges were framed against them for commission of offences under Sections 498-A and 506 RPC.

2. Since the petitioners in both clubbed petitions have been charged jointly for the commission of same offences, allegedly committed in the course of the same transaction, therefore, are taken up and are being disposed of by this common judgment.

3. For the sake of convenience, the parties shall hereinafter be referred to in the order as they appear in lead case being CRM(M) No.261/2019.

FACTUAL MATRIX

4. Respondent No.2-Shakti Devi is a Follower in Jammu and Kashmir Police and is posted in 15th IRP Battalion. Her husband, petitioner No.5-Bikram Singh is an Army personnel. The couple solemnized their marriage on 21 September 2016. However, within less than seven months, their marriage ran into rough weather, leading to the filing of the complaint by respondent No.2 and subsequent chargesheet.

5. The complaint resulted in registration of FIR No.49/2017, which culminated in the presentation of the chargesheet (challan) dated 02 August 2018. On the basis of said chargesheet, the trial Court framed charges against the petitioners under Sections 498-A and 506 RPC vide order dated 14 August 2018.

6. Since the charges came to be framed against the petitioners allegedly for commission of offences under Sections 498-A and 506 RPC, mainly on the allegations of cruelty and intimidation meted out to respondent No.2 at the hands

of her husband and his relatives, therefore, it would be proper to give the relationship of the petitioners with the complainant-respondent No.2:-

- i) petitioner No.1-father-in-law;
- ii) petitioner No.2-mother-in-law;
- iii) petitioner No.3-brother-in-law (Jeth);
- iv) petitioner No.4-sister-in-law (Jethani);
- v) petitioner No.5-husband; and
- vi) petitioner No.6-sister-in-law (nanad).
- vii) petitioner in CRM(M) No.263/2019-no relation.

7. The prosecution was set in motion pursuant to a complaint lodged by respondent No.2-Shakti Devi on 15 November 2017 against her husband-petitioner No.5, Bikram Singh and his relatives, alleging that they had subjected her to cruelty, mental and physical harassment and have made demand of dowry. In the complaint, she also alleged that her husband-Bikram Singh was having illicit relations with Arti Devi (petitioner in the connected petition-CRM(M) No.263/2019). Complainant further alleged that the petitioners had acted in collusion against her and were subjecting her to mental and physical harassment with the intention of solemnizing the marriage of petitioner No.5-Bikram Singh with Arti Devi-petitioner.

SUBMISSIONS AND GROUNDS OF CHALLENGE

8. Petitioners are seeking quashment of entire criminal proceedings on the ground that respondent No.2 had, by cheating and blackmailing petitioner No.5 had entered into the wedlock with petitioner No.5. It is alleged that she had obtained signs on blank papers from petitioner No.5 and later, demanded ₹20.00

lakhs. In this regard, the petitioner No.5 had already filed a petition under Section 12(1)(c) of the Hindu Marriage Act, seeking annulment of the marriage, which is pending before the Court of learned Principal, District Judge, Udhampur since 08 May 2017. The petitioner No.5 stated to have already filed a complaint under Sections 420/506 RPC against respondent No.2 on 08 December 2016 before the Court of Chief Judicial Magistrate, Udhampur. It is contended that present criminal proceedings against the petitioners, including the complaint dated 15 November 2017 are nothing but a counter blast to the above proceedings initiated by petitioner No.5.

9. The petitioners have further submitted that the police had neither conducted any preliminary enquiry nor verified the veracity of the allegations. The allegations levelled against the petitioners are general, vague and omnibus in nature, made only to wreck the vengeance.

10. Learned counsel appearing for the petitioner-Arti Devi in CRM(M) No.263/2019, vehemently argued that the petitioner is neither a relative of the husband of respondent No.2 nor she was residing with the parties, therefore, she cannot be charged under Sections 498-A and 506 RPC.

11. On the other hand, respondent No.1 has filed its reply in both the petitions merely narrating the sequence of events without demonstrating how the ingredients of Section 498-A and 506 RPC are satisfied.

12. At the same time, respondent No.2 has also filed objections to the petition [CRM(M) No.261/2019] and while denying the averments made in the petition, went onto submit that the petitioner No.5 had developed illicit relations with Mst. Arti Devi, which led to the registration of FIR, but later entered into the compromise. The respondent has also admitted the pendency of the petition under Section 12(1)(c) of the Hindu Marriage Act, for annulment of marriage filed by petitioner No.5.

13. Heard learned counsel for the parties. Considered their submissions and gone through the record.

ANALYSIS

14. The allegations in the complaint dated 15 November 2017, that was germane to all the subsequent criminal proceedings against the petitioners are that the complainant was subjected to mental and physical harassment by her in-laws and that her husband had developed illicit relations with petitioner-Arti Devi, and intended to marry her. She also alleged demand of dowry by her in-laws.

15. On perusal of material on record, including the statements recorded under section 161 Cr.P.C, it is evident that the allegations are wholesale and omnibus in nature. No specific incident of harassment or demand of dowry has been mentioned with particulars or date, time, place or manner of occurrence. It is well settled that the entire family of the husband cannot be roped in on the basis of vague and general allegations of cruelty and demand of dowry. Such tendency

deserves to be discouraged. In this regard, reliance is placed on the judgment of Hon'ble Supreme Court in "***Dara Lakshmi Narayana and others vs. State of Telangana and another***" (2025) 3 Supreme Court Cases 735, wherein held thus:

"30. The inclusion of Section 498-A IPC by way of an amendment was intended to curb cruelty inflicted on a woman by her husband and his family, ensuring swift intervention by the State. However, in recent years, as there have been a notable rise in matrimonial disputes across the country, accompanied by growing discord and tension within the institution of marriage, consequently, there has been a growing tendency to misuse provisions like Section 498-A IPC as a tool for unleashing personal vendetta against the husband and his family by a wife. Making vague and generalized allegations during matrimonial conflicts, if not scrutinized, will lead to the misuse of legal processes and an encouragement for use of arm twisting tactics by a wife and/or her family. Sometimes, recourse is taken to invoke Section 498-A IPC against the husband and his family in order to seek compliance with the unreasonable demands of a wife. Consequently, this Court has, time and again, cautioned against

prosecuting the husband and his family in the absence of a clear prima facie case against them.”

16. Hon’ble Supreme Court has observed that there is growing tendency to misuse the section 498-A IPC (pari materia with section 498-A RPC) as a tool for personal vendetta and that with vague and generalized allegations should not be allowed to sustain criminal proceedings.

17. So far as the petitioner-Arti Devi is concerned, she is neither a relative of the husband by blood, marriage, or adoption nor she was residing in matrimonial home. There is no allegation that she ever harassed or intimidated the complainant.

18. The Hon’ble Supreme Court in case titled “*U. Suvetha vs. State by Inspector of Police and another*”, AIR 2009 SC (Supp) 1451, held thus:

“17. Herein, as noticed hereinbefore, relationship of the appellant with the husband of the first informant, is said to have been existing from before the marriage. Indisputably they lived separately. For all intent and purport the husband was also living at a separate place. The purported torture is said to have been inflicted by the husband upon the first informant either at her in-law’s place or at her parents’ place. There is no allegation that appellant had any role to play in that regard.

18. By no stretch of imagination a girl friend or even a concubine in an etymological sense would be a ‘relative’. The word ‘relative’ brings within its purview a status. Such a status must be conferred

either by blood or marriage or adoption. If no marriage has taken place, the question of one being relative of another would not arise.”

19. The above principle has been followed in the subsequent judgment reported as “_____ vs. *The State of Karnataka and another*” **2024 INSC 972.**

20. It has been unequivocally held that a girl friend or concubine does not fall within the definition of “**relative**” under section 498-A IPC.

FINDINGS & CONCLUSION

21. Once it is seen that the allegations of cruelty, harassment, demand of dowry or intimidation are lacking in details like time, date, place or manner in which alleged act of omission or commission has taken place, mere on wholesale and generalized allegations, the offences under Section 498-A and 506 RPC are not sustainable, rather such tendency is required to be dealt with iron hands.

22. The record reveals and also not denied by the parties that there are mutual allegations and counter allegations between the parties. The present proceedings appear to be a counter blast to the proceedings initiated by petitioner No.5 for annulment of marriage and a complaint lodged under section 420/506 RPC, which are prior in time. Therefore, continuation of such proceedings would amount to abuse of process of law.

23. The law governing the exercise of jurisdiction under section 561-A Cr.P.C (corresponding to section 482 Cr.P.C) for quashment of FIR has been

settled and in this regard, reference may be made to an often quoted judgment in, “*State of Haryana vs. Bhajan Lal*”, (1992) Supp (1) SCC 335, wherein while laying down the parameters for exercise of jurisdiction to prevent the abuse of process of any court or otherwise to secure the ends of justice, *inter alia*, it was held that the power under section 482 Cr.P.C can be exercised; where the allegations made in the FIR or the complaint are so absurd and inherently improbable on the basis of which no prudent person can ever reach a just conclusion that there is sufficient ground for proceeding against the accused; and also where a criminal proceeding is manifestly attended with *mala fide* and/or where the proceeding is maliciously instituted with an ulterior motive for wreaking vengeance on the accused and with a view to spite him due to private and personal grudge.

24. In a case titled “*Achin Gupta vs. State of Haryana and another*” reported as AIR 2024 Supreme Court 2548, Hon’ble the Supreme Court has shown indulgence and has quashed FIR and chargesheet for the offences punishable under sections 323, 406, 498-A and 506 of the IPC wherein, *inter alia* the point was raised that the appellant and his family filed a divorce petition and also a domestic violence case against the First Informant and as a counter blast to these proceedings, subsequently the FIR in question came to be lodged.

25. Likewise, in the case on hand complainant has made omnibus allegations against the petitioners of allegedly subjecting her to harassment,

cruelty and demand of dowry, without mentioning how, when and by whom these acts of omission and commission alleged to have been committed. It is also seen that petitioner No.5, the husband has filed a suit for annulment of marriage and complaint under sections 420 and 506 RPC against the wife prior in time and as a counter blast to the same, criminal proceedings have been initiated at the instance of complainant-wife, therefore, in view of the facts and circumstances and law governing the subject, instant criminal proceedings are manifestly attended with *mala fide* and came to be instituted with an ulterior motive to wreck vengeance, as such, calls for indulgence.

26. In the above backdrop, the petitions are allowed and accordingly FIR No.49/2017 dated 15 November 2017 registered at Women Police Station, Udhampur under Section 498-A and 506 RPC, chargesheet dated 02 February 2018 pending in the Court of Chief Judicial Magistrate, Udhampur and order dated 14 August 2018, whereby charges have been framed against the petitioners, stand quashed.

(SHAHZAD AZEEM)
JUDGE

JAMMU
16.04.2026
Surinder

Whether order is speaking: Yes
Whether order is reportable: Yes